

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 3:17-cr-0025

SEAN BRADSHER

MEMORANDUM OPINION AND ORDER

Pending before the Court is Sean Bradsher's *pro se* letter for release (ECF No. 102).

Bradsher points to the spread of the novel coronavirus in prisons and his rehabilitative efforts as justifications for compassionate release.


While the Court is sympathetic to Defendant's concerns regarding the coronavirus and looks favorably on his rehabilitative efforts, he has not demonstrated extraordinary and compelling reasons for release. Defendant's medical records show that he does not have any preexisting conditions that place him at risk of severe complications if he contracts COVID-19. The mere possibility of contracting the illness is not a sufficiently "extraordinary and compelling" reason to justify a reduction in sentence under 18 U.S.C. § 3582(c)(1)(A)(i). *See, e.g., United States v. Feiling*, No. 3:19cr112 (DJN), 2020 WL 1821457, at *7 (E.D. Va. Apr. 10, 2020) (reasoning that "the *fear* of contracting a communicable disease proves insufficient to justify a sentence modification" (internal quotations omitted)).

Even if that were not the case, the Court has no authority to reduce Defendant's sentence where—as here—he has not demonstrated that he "has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion" or that thirty days have lapsed "from

the receipt of such a request by the warden of the defendant's facility." *See* 18 U.S.C. § 3582(c)(1)(A).

The Court accordingly **DENIES** the Motion (ECF No. 102), and **DIRECTS** the Clerk to send a copy of this Order to counsel and the defendant, the United States Attorney's Office, the United States Probation Office, and the United States Marshals Service.

ENTER: January 22, 2021



ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE